

REMARKS/ARGUMENTS

The Final Office Action of June 5, 2006 has been carefully reviewed and these remarks and request for continued examination are responsive thereto. Claims 1-8 and 10-12, 14-28, 30 and 32-43 are pending. Claims 9, 13, 29 and 31 are cancelled without disclaimer or prejudice. Claims 1, 3-8, 10-12, 14-28, 30 and 32-43 were rejected under 35 U.S.C § 102(e) as being anticipated by U.S. Patent No. 6,678,548 to Echauz *et al.* (“Echauz”). Claims 2 and 9 were objected to as being dependent on rejected claims but were deemed allowable if rewritten in independent form.

Interview Summary

Applicants’ representatives would like to express their appreciation for the time taken by the Examiner to discuss this case. In particular, the subject matter recited in claim 15 and claims 33-43 was discussed. Regarding claim 15, it was agreed to amend the form of claim 15 to clarify the intended scope due to the use of the term “means for processing.” Regarding claims 33-43, the proper construction of phrase “computing a score of severity” was discussed. While no agreement was reached on the proper construction of this phrase, Applicants believe the amendments to claims 33 and 38 obviate the concerns the Examiner had with regards to a potentially broad construction of this phrase.

Allowable Subject Matter

Claim 1 has been amended to include the features of claim 9, and therefore is believed be in condition for allowance.

Cancelled Claims

Claims 9 and 23 have been cancelled. The features of claim 9 have been incorporated in claim 1. The features of claim 23 have been incorporated into claim 15.

Amendment to the Claims

Claim 1 has been amended to include the limitation of claim 9, and claim 9 has been cancelled, thus no new matter has been added.

Claim 2 has been amended to correct minor informalities; however, no change in the

scope of the claim was made.

Claim 10 has been amended to correct a minor informality and entry of same is respectfully requested.

Claim 15 has been amended to recite the features of claim 23 and to correct informalities associated with the previously recited claim language, and claim 23 has been cancelled, thus no new matter was added.

Claims 16-19, 21, 22, 24 and 25 have been amended to correspond to the change in claim 15; however no change in the scope of these claims was intended.

Claims 33 and 38 have been clarified and now recite the feature “wherein the computed score is selected from a range of at least three values including an upper value and a lower value.” To the extent this meaning was not inherent in the claims as written, support for this is at least found in the specification as filed on pg. 63, ¶ 189-190, thus no new matter was added.

Rejection under 35 U.S.C. § 102(e) – Echauz

Claims 1, 3-8, 10-12, 14-28, 30 and 32-43 were rejected under 35 U.S.C. § 102(e) as being anticipated by Echauz.

As noted above, claim 1 has been amended to recite the features of claim 9, which has been indicated as being allowable. Therefore, claim 1 is believed to be allowable.

Claims 2-8, 10-12 and 14 depend from claim 1 and are allowable for at least the reasons supporting the allowability of claim 1 and for the additional features recited therein.

Claim 15 has been amended to recite a feature previously recited in claim 23. Applicants respectfully submit that claim 23 included features similar to claim 9, which was deemed allowable, therefore Applicants respectfully submit that claim 15 is allowable for at least the reasons indicated in the Office Action with respect to claim 9.

Claims 16-22, 24-29, 30 and 32 depend from claim 15 and are allowable for at least the reasons claim 15 is allowable and for the additional features recited therein.

Independent claims 33 and 38 have been amended to recite the feature “wherein the computed score is selected from a range of at least three values including an upper value and a lower value.” Applicants have reviewed the references of record, including Echauz, and have been unable to locate any mention of such a feature. Accordingly, these claims are believed to

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be allowable. Claims 33-37 and 39-43 depend from claims 33 and 38, respectively, and are believed to be allowable for the reasons that claims 33 and 38 are allowable and for the additional features recited therein.

Accordingly, withdrawal of this ground of rejection is respectfully requested.

CONCLUSION

All rejections have been addressed. Applicants believe all pending claims are in condition for allowance and earnestly solicit prompt notification of the same.

Respectfully submitted,

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